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VIA FEDERAL EXPRESS

Honorable Kenneth M. Karas
United States District Court
United States Courthouse
300 Quarropas Street, Chambers 533
White Plains, NY 10601-4150

March 7, 2014

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MEMO ENCLOSED

USDC SDNY
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Re: **Deskovic v. City of Peekskill, et al, Case No. 07 Civ. 8150 (KMK) (GAY)**
McGarr v. City of Peekskill, et al, Case No. 07 Civ. 9488 (KMK) (GAY)
New York State Local Government Services Foundation, Inc., etc. v.
County of Putnam, et al

Dear Judge Karas:

This office represents Daniel Stephens and Putnam County, defendants in the above-referenced matters. Please accept this letter to correct an omission on one of our papers previously submitted to the Court.

In reviewing the reply papers of Intervenor-Plaintiff, New York Municipal Insurance Reciprocal (NYMIR) in further support of its Motion for Summary Judgment, it has come to my attention there is a word missing in the Response to NYMIR's Statement of Undisputed Material Facts Pursuant to F.R.C.P. 56.1 on Behalf of Defendants Putnam County and Daniel Stephens submitted by this office. Paragraph 39 of the document should read as follows:

39. The letter dated November 8, 2011 from Leonard Rosenbaum of NYMIR to the Hon. Jennifer S. Bumgarner, Putnam County Attorney **not** does indicate that NYMIR is reserving its rights on any coverage matter. *See* Gilbride Decl., Exhibit "C", Letter dated April 4, 2008.

(emphasis added). The word "not" is missing in the original document. The fact we intended to include the word in the original document is evidenced by the argument found in the brief in opposition to NYMIR's summary judgment motion that this office submitted on behalf of Mr. Stephens and Putnam County. The argument in part as read as follows:

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Finally, Mr. Rosenbaum states that in his November 8, 2011,
NYMIR reserved "all rights to withdraw from the defense of the
Underlying Action." See Rosenbaum Aff., ¶ 14. The letter,
however does not indicate that NYMIR is reserving anything...

Brief on Behalf of Defendants Putnam County and Daniel Stephens in Opposition to Motion for
Summary Judgment on Behalf of NYMIR, p. 20.

I thank your Honor for the Court's attention of this matter and apologize for any
inconvenience that that error may have caused to the Court and other counsel.

Respectfully submitted,


Stephen Wellinghorst

SW/pk

cc: All counsel on attached list (Via FED EX)

The Clerk of the Court
is respectfully requested
to docket this letter.

So Ordered.



3/11/14

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